

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

THE HARTLEY COMPANY,	:	
Plaintiff,	:	
v.	:	Case No. 3:15-cv-94
	:	JUDGE WALTER H. RICE
JF ACQUISITION, LLC, d/b/a	:	
JONES & FRANK,	:	
Defendant.	:	

ORDER REMANDING THE CAPTIONED CAUSE TO THE MIAMI COUNTY, OHIO, COURT OF COMMON PLEAS; MOTIONS *IN LIMINE* OF PLAINTIFF THE HARTLEY COMPANY AND DEFENDANT JF ACQUISITION, LLC, d/b/a JONES & FRANK (DOC. #22, 23, 24, 25, 26, 27) AND JF'S MOTION FOR EXTENSION OF TIME TO COMPLETE DISCOVERY (DOC. #57) ARE OVERRULED WITHOUT PREJUDICE, SUBJECT TO REILING UPON REMAND; TERMINATION ENTRY

On May 1, 2017, this Court issued a Decision and Entry, concluding that the Ohio Petroleum Underground Storage Tank Release Compensation Board ("The Board") was a necessary party under Rule 19(a), but that joinder of The Board by this Court was barred by the Eleventh Amendment. Further, the Court concluded that The Board is an indispensable party under Rule 19(b), as the instant lawsuit could not, in equity or good conscience, proceed without The Board joined as a party. Accordingly, the Court ordered that the captioned cause be remanded to the Miami County, Ohio, Court of Common Pleas. Doc. #98, PAGEID #3347-48. However, the Court agreed to leave the captioned cause active on its docket for thirty days to allow The Board, Plaintiff The Hartley Company ("Hartley") or Defendant JF Acquisition, LLC, d/b/a Jones & Frank

("JF") to file motions for reconsideration of the Court's Decision and Entry. *Id.*, PAGEID #3357. However, the Court stated that "[i]f no such motion is filed, then the Court will issue an order of remand, and a termination entry." *Id.*, PAGEID #3357-58.

As no motion for reconsideration have been filed, and the time for doing so has expired, the Court ORDERS that the captioned cause be REMANDED to the Miami County, Ohio, Court of Common Pleas. The pending Motions *In Limine* filed by Hartley and JF, Doc. #22, 23, 24, 25, 26, 27, and JF's Motion for Extension of Time to Complete Discovery, Doc. #57, are OVERRULED WITHOUT PREJUDICE, subject to refiling upon remand.

The captioned case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: June 2, 2017



WALTER H. RICE
UNITED STATES DISTRICT JUDGE